



Town of Tyngsborough
Zoning Board of Appeals
Town Hall-25 Bryants Lane
Tyngsborough, MA 01879-1003
(978) 649-2300, Ext. 115

TYNGSBOROUGH ZONING BOARD OF APPEALS MINUTES

May 9, 2013

APPROVED

Attachments:

1. Meeting Agenda
2. ZBA letter regarding outstanding issues at Merrimac Landing – 3/27/13
3. Deschenes & Farrell letter regarding outstanding issues at Merrimac Landing – 4/3/13
4. 276 Middlesex Rd. Draft Project Rendering – 4/17/13

Members Present: Claire Cloutier, Chairman
Robb Kydd, Vice Chairman
Chris Mechalides
Cheryl Bradley
Joe Polin
Scott Bordeleau
Pamela Berman, Administrative Assistant

6:30pm Meeting was called to order by Chairman C. Cloutier

6:32pm Merrimac Landing 40B Project Status Report

Tyngsboro Landing, LLC developers Dave Trahan and Dennis Page and Atty. Melissa Robbins appeared before the Board to address some outstanding issues at their Merrimac Landing project. The issues are a result of a comprehensive project review by the Board's reviewing engineers PSC Corp. dated 2/22/13. Most of the issues are site related, specifically pavement, parking lot striping, and lighting. Atty. Robbins asked if they could contact PSC to go over their report and work on addressing the outstanding issues. The Board agreed to this arrangement.

DISCUSSION

1. 276 Middlesex Rd. – Assaad Maroun

Property owner Assaad Maroun appeared before the Board to discuss what he could do with the second building on the property which is zoned B-2. He has been before the Board twice already with plans that were both denied. He conveyed to the Board that the property isn't profitable for him in its current state and would like to propose two townhouse style apartments for the second building. However, he is reluctant to spend the money on new plans if the Board is not in favor of his proposal. J. Polin indicated that his recollection is that the abutting property is part of the issue and there would need to be some sort of building easement relief.

The Board will consult with Town Counsel for guidance on the proposal and the circumstances of the property and what can be done.

2. Maple Ridge

S. Bordeleau discussed that the 53G engineering account for Maple Ridge has fallen below the \$2,500 threshold required by the Board (the balance is currently \$2,020). The Board requested that a letter be sent to the developer requesting to replenish the 53G monies.

ADMINISTRATIVE

1. Minutes

J. Polin: Motion to approve the minutes with corrections for March 14, 2013.

C. Bradley: 2nd the motion

In Favor: 4 Opposed: 0 Abstain: 2

Passes: 4-0-2

1. New Business:

- 53G Account Policy

The Board discussed amending the policy for 53G Accounts. Currently there is no specific policy that addresses when 53G account balances fall below the minimum balance. The Board felt that a specific policy would help all parties keep better “tabs” on the project.

R. Kydd: Motion to establish the following policy regarding 53G Accounts:

- If a project’s 53G account balance falls below the Board approved minimum balance by 10%, the developer will be notified to replenish the account.
- Such notification shall be sent to the developer by Certified Mail.
- Such replenishments shall be made within 30 days of receipt of the Certified request.

C. Bradley: 2nd the motion

In Favor: 6 Opposed: 0

Passes: 6-0

- 5 Christine Ave. T.I.L.Q. Request for Comment from the Planning Board - No issues with this application.
- Next meeting is scheduled for June 13, 2013

7:25pm

C. Cloutier: Motion to adjourn

R. Kydd: 2nd the motion

In Favor: 6 Opposed: 0

Passes: 6-0

Minutes respectfully submitted by
Pamela Berman, ZBA Administrative Assistant